

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LORY FABIAN,)	
)	
Plaintiff,)	
)	Cause No.: 4:12-CV-01112
vs.)	
)	
THE ST. LOUIS RAMS PARTNERSHIP,)	
et al.,)	
Defendants.)	

**DEFENDANTS' MOTION IN LIMINE REGARDING
MIKE O'KEEFE AND BOB REIF'S 2007 EMAIL EXHCANGE**

COME NOW Defendants (collectively the "Rams") by counsel and for their Motion in Limine precluding Plaintiff from discussing, referring to, or introducing as evidence, the 2007 email exchange that uses the expression "cock block" state as follows:

1. Plaintiff plans to introduce as evidence and discuss an email exchange between a Rams employee and Rams independent contractor that uses the phrase "cock-block."
2. For the following reasons, neither this email nor any reference to it should be presented to the jury.

MEMORANDUM IN SUPPORT OF MOTION IN LIMINE

3. Several years before the Plaintiff left the Rams, a Rams employee and Bob Reif (an independent contractor) used the term "cock block" in an email – but in a non-sexual manner.
4. This 2007 email exchange between a male employee and a male contractor (who served as the Rams Vice President of Advertising) contains the inappropriate term to describe a

female employees' perceived opposition to an attempt to complete a "deal" with a sponsor. There is also an exchange between these men about "clearing the way for the cocks to walk" which appears to be used in reference to "cocks of the walk."

5. The thread does not reference, mention, copy, or relate in any way to Plaintiff.

6. The thread, inappropriate and unprofessional as it may be, does not relate to age in any way or Plaintiff's age discrimination claim.

7. Plaintiff's employment ended when her contract ended in June 2011 – some four and one half years after this email exchange occurred.

8. The prejudice suffered by the Rams due to this email's introduction at trial outweighs any probative value this email has in regards to Plaintiff's age discrimination claim.

WHEREFORE, Defendants request that the Court enter its Order In Limine that Plaintiff's counsel make no mention (including in voir dire and opening statement), ask no questions, offer no evidence and instruct Plaintiff and his witnesses to not offer or give testimony relating to the 2007 email exchange that uses the expression "cock block."

SHER CORWIN WINTERS LLC

/s/ Bradley A. Winters

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Inc., ITB Football Company, LLC and The*

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2014, the above and foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system or by hand and mailing upon the following:

/s/ Bradley A. Winters